

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2534

By: Walke

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2011, Sections 198.1 and 198.2, which relate to discriminatory wages; prohibiting certain actions by employer; increasing penalties; authorizing recovery of costs; requiring civil fines be deposited in General Revenue Fund; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 40 O.S. 2011, Section 198.1, is amended to read as follows:

Section 198.1 A. It shall be unlawful for any employer within the State of Oklahoma to willfully pay wages to women employees at a rate less than ~~the rate at which he pays any~~ an employee of the opposite sex for comparable work on jobs which have comparable requirements relating to skill, effort and responsibility, except where such payment is made pursuant to a seniority system; a merit system; a system which measures earnings by quantity or quality of production; or a differential based on any factor other than sex.

1 B. It shall be unlawful for an employer to discharge or in any
2 other manner discriminate against an employee because the employee
3 has inquired about, discussed or disclosed the wages of the employee
4 or another employee with someone employed by the company.

5 SECTION 2. AMENDATORY 40 O.S. 2011, Section 198.2, is
6 amended to read as follows:

7 Section 198.2 A. It shall be the duty of the Commissioner of
8 Labor to enforce the provisions of this act. Whenever the
9 Commissioner is informed of any violations thereof, it shall be his
10 or her duty to investigate same and, in his discretion, said the
11 Commissioner is hereby authorized to institute proceedings for the
12 enforcement of penalties herein provided before any court of
13 competent jurisdiction and civil fines. ~~Any employer who violates~~
14 ~~the provisions of this act shall be deemed guilty of a misdemeanor~~
15 ~~and shall upon conviction thereof, be punished by~~ The Commissioner
16 is authorized to issue a civil fine of not less than ~~Twenty-five~~
17 ~~Dollars (\$25.00)~~ Fifty Dollars (\$50.00) ~~nor more than One Hundred~~
18 ~~Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) for each separate
19 violation per pay period. In addition, the employer shall pay any
20 back pay found to be owed to the employee.

21 B. Upon final determination of a violation of this act, the
22 Commissioner may, to recover the cost of investigation and
23 proceedings, keep an amount equal to twenty-five percent (25%) of
24 the back pay owed to the employee to be deposited in the Department

1 of Labor Revolving Fund. All civil fines recovered pursuant to the
2 provisions of this section shall be deposited in the General Revenue
3 Fund of this state.

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